

Washtenaw County Road Commission Procedure for Abandonment of Public Right of Way

1. The Washtenaw County Road Commission (WCRC) has authority , pursuant to MCL S224, MSA S9.118 to abandon all or part of a county road. The Washtenaw County Road Commission follows the following procedure in order to abandon a road right of way.
2. A request is made to the WCRC for an Abandonment Petition Package. Staff will review requirements with petitioner upon receipt. Staff will prepare a legal description for use in the petition.
3. The petition must be signed by seven freeholders (land title holders) in the Township in which the abandonment is being sought. The petition must also be accompanied by a true and correct list of the names and mailing addresses of the occupants of each parcel of land abutting the portion of right of way which they seek to have abandoned. A "last owners" title search by a title company will be required to verify abutting title holders.
4. If the petition for abandonment contains the signatures of all abutting landowners, the County Board of Road Commissioners may determine without a public hearing the advisability of such abandonment within 20 days after receiving the petition. (However, the Board can require a public hearing if deemed in the best interest of the public.)
5. If the petition for abandonment does not contain the names of all the abutting land owners, or the right of way has a building upon it, the Road Commission will:
 - a) Appoint a time and place for a public hearing within 20 days of receiving the petition.
 - b) Serve notice, by first class mail, on all abutting landowners and township officials at least ten days prior to the hearing and post a notice of said hearing in 3 public places within the township.
 - c) Publish notice of the hearing in a local newspaper on two consecutive Fridays prior to said hearing.
6. Upon receipt of the petition, the petitioner will pay a fee of \$400 if no public hearing is required, or \$600 if a public hearing is required.
7. Prior to abandoning the right of way, the Board of County Road Commissioners, or their representative, must view the right of way described in the petition.
8. The Board of County Road Commissioners must determine, at the time of the passage of any resolution abandoning a right of way, if the abandonment is in the best interest of the public.
9. The vote of the Road Commissioners in respect to such determination shall be taken by a roll call vote.
10. The vote must be entered at large on the Road Commissioner's records.
11. The Road Commission must cause a true copy of the resolution, which shall contain an accurate description of the right of way so abandoned, to be recorded in the office of the Register of Deeds.

12. Notice of the Road Commissioner's determination must be given by the Clerk to the Supervisor of each township, and the highway authorities for each city or village in which the right of way, or any part thereof, is situated.
13. Within 30 days of making their decision, the Road Commission must file a record with the State Department of Transportation.
14. Notice of the Road Commission's determination must also be published in a newspaper printed and circulated in the county once in each week for three successive weeks. An affidavit of publication shall be filed with the Road Commission's Clerk.

Notes on ownership:

1. When the public right of way consisted of Statutory Easement (unplatted) only, and the land is held privately in fee, the title will remain with the property owner to the title line (usually the centerline) of the road involved. Only the public right to the use of the land will be eliminated. This will be the usual condition on County Roads where property ownership goes to the centerline of the road.
2. In recorded subdivisions or platted areas, the road commission can only relinquish jurisdiction of the right of way to the township. The Road Commission does not hold title, it only holds the right of way in "the public trust". Once relinquished by the Road Commission, jurisdiction of the right of way returns to the township who can then pass a resolution to abandon its interest. It then becomes a private road. In order to terminate the private road right of way and claim ownership of the property in the right of way, the abutting property owners must go through Circuit Court to amend the plat. This is done at the owner's expense. Person's interested in pursuing this action should consult an attorney.
3. Public right of way which was acquired in fee title by the Road Commission by purchase or condemnation, should be dealt with on an individual basis, and both the Road Commission and the prospective recipients should act under the guidance of their respective attorneys.